

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 28, 2016

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent – Boyle. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Skyler Lentz, Page.

3RD ORDER

Approval of Journal

January 28, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventeenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, that pursuant to the provisions of Section 59-917, Idaho Code, ILANA RUBEL, State Representative, District 18, Seat A, Ada County, State of Idaho, has nominated, BROOKE GREEN, of 285 W. Carter Street, Boise, ID, to perform the duties of this office temporarily as Acting State Representative, District 18, Seat A.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Brooke Green of Boise, Idaho, to the office of Acting State Representative, District 18, Seat A, for a term commencing January 28, 2016, and continuing until such time as Representative Rubel is able to resume her duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of January, in the year of

our Lord two thousand and sixteen, and of the Independence of the United States of America, the two hundred and fortieth year.

/s/ C.L. "BUTCH" OTTER

Governor

/s/ LAWRENCE DENNEY

Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Brooke Green.

January 27, 2016

Mr. Speaker:

I transmit herewith [S 1201](#) which has passed the Senate.

NOVAK, Secretary

[S 1201](#) was filed for first reading.

5TH ORDER

Report of Standing Committees

January 28, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 28](#), [HCR 29](#), [H 380](#), [H 381](#), [H 382](#), [H 383](#), [H 384](#), [H 385](#), [H 386](#), [H 387](#), [H 388](#), [H 389](#), [H 390](#), and [HJR 1](#).

WILLS, Chairman

[HCR 28](#) and [H 385](#) were referred to the Transportation and Defense Committee.

[HCR 29](#), [H 387](#), [H 388](#), [H 389](#), [H 390](#), and [HJR 1](#) were referred to the State Affairs Committee.

[H 380](#) and [H 386](#) were referred to the Revenue and Taxation Committee.

[H 381](#), [H 382](#), and [H 383](#) were referred to the Agricultural Affairs Committee.

[H 384](#) was filed for second reading.

January 28, 2016

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 372](#) and recommend that it do pass.

BARBIERI, Chairman

[H 372](#) was filed for second reading.

January 28, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 362](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 362](#) was filed for second reading.

January 28, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 331](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 331](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER **Motions, Memorials, and Resolutions**

Mr. Collins asked unanimous consent that [H 354](#) be returned to the Revenue and Taxation Committee. Mr. Erpelding objected.

Mr. Collins moved that [H 354](#) be returned to the Revenue and Taxation Committee. Seconded by Mr. Moyle.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Kauffman, Kerby, Loertscher, Luker, Malek, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Packer, Palmer, Perry, Raybould, Redman, Romrell, Shepherd, Sims, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wood, Youngblood, Mr. Speaker. Total – 54.

NAYS – Chew, Erpelding, Gannon, Jordan, King, Kloc, McCrostie, Nye, Pence, Rubel(Green), Rudolph, Rusche(Van Tassel), Scott, Smith, Wintrow. Total – 15.

Absent – Boyle. Total – 1.

Total – 70.

Whereupon the Speaker declared the motion carried and [H 354](#) was returned to the Revenue and Taxation Committee.

HOUSE RESOLUTION NO. 1 **BY RUBEL**

A HOUSE RESOLUTION

STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR THE AMENDMENT OF RULE 24 OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable that Rule 24 of the Rules of the House of Representatives be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, assembled in the Second Regular Session of the Sixty-third Idaho Legislature, that Rule 24 of the Rules of the House of Representatives shall be amended to read as follows:

RULE 24

Bills – Introduction. – After the 20th day of any session, no bill shall be introduced except by committees and after the 36th day no bill shall be introduced except by the State Affairs Committee, the Appropriations Committee, the Education Committee, the Revenue and Taxation Committee and the Ways and Means Committee. When essential to expedite the work of the House, the Speaker may designate any standing committee to serve as a privileged committee temporarily or during the remainder of the session.

When a routing slip (RS) has as least ten legislative co-sponsors, the RS shall be guaranteed a hearing in the committee where it is introduced, and a recorded vote regarding

the instrument's fate shall be taken in that committee. When a bill, joint resolution, concurrent resolution or joint memorial has as least ten legislative co-sponsors, the bill, joint resolution, concurrent resolution or joint memorial shall be guaranteed a hearing in the committee to which it is assigned, and a recorded vote regarding the instrument's fate shall be taken in that committee.

[HR 1](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

8TH ORDER **Introduction, First Reading, and Reference** **of Bills and Joint Resolutions**

HOUSE BILL NO. 391 **BY EDUCATION COMMITTEE**

AN ACT

RELATING TO ASSESSMENT RATIOS AND THE DETERMINATION OF ADJUSTED MARKET VALUE FOR ASSESSMENT PURPOSES FOR SCHOOL DISTRICTS; AMENDING SECTION 63-315, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT A CERTAIN REPORT BE SUBMITTED TO THE STATE DEPARTMENT OF EDUCATION.

HOUSE BILL NO. 392 **BY EDUCATION COMMITTEE**

AN ACT

RELATING TO THE YOUTH EDUCATION ACCOUNT; REPEALING CHAPTER 47, TITLE 33, IDAHO CODE, RELATING TO THE YOUTH EDUCATION ACCOUNT.

HOUSE BILL NO. 393 **BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1301, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE AWARD OF SPECIFIED EQUIPMENT UPON THE RETIREMENT OF CONSERVATION OFFICERS.

HOUSE BILL NO. 394 **BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1303, IDAHO CODE, TO REVISE OFFICER AUTHORIZATION PROVISIONS REGARDING CERTAIN INSPECTIONS AND SEARCHES.

HOUSE BILL NO. 395 **BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1201, IDAHO CODE, TO PROVIDE MINIMUM STANDARDS FOR THE OPERATION OF SAFE CHECK STATIONS AND TO PROVIDE CONDITIONS UNDER WHICH CERTAIN VEHICLES MAY BE STOPPED.

HOUSE BILL NO. 396 **BY COMMERCE AND HUMAN RESOURCES** **COMMITTEE**

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1368, IDAHO CODE, TO EXPAND THE NOTICE PROVISION TO INCLUDE

ALL DEPARTMENT COMMUNICATIONS CONTAINING DEADLINES OR OTHER RESPONSE REQUIREMENTS.

HOUSE BILL NO. 397
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1349A, IDAHO CODE, TO CLARIFY THE NOTICE AND APPEAL PROVISIONS FOR COST REIMBURSEMENT DETERMINATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1350, IDAHO CODE, TO CLARIFY THE NOTICE PROVISIONS FOR TAXABLE WAGE RATE DETERMINATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1351, IDAHO CODE, TO CLARIFY THE APPEAL PROCEDURES FOR CHARGEABILITY DETERMINATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1351A, IDAHO CODE, TO CLARIFY THE NOTICE AND APPEAL PROCEDURES FOR RATE TRANSFER DETERMINATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1353, IDAHO CODE, TO CLARIFY THE NOTICE PROVISIONS FOR COVERAGE DETERMINATIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 72-1357, IDAHO CODE, TO CLARIFY THE NOTICE PROVISIONS FOR ADJUSTMENT AND REFUND DETERMINATIONS; AMENDING SECTION 72-1358, IDAHO CODE, TO CLARIFY THE NOTICE PROVISION FOR DETERMINATIONS OF AMOUNTS DUE UPON FAILURE TO REPORT; AMENDING SECTION 72-1359, IDAHO CODE, TO CLARIFY THE NOTICE PROVISIONS FOR JEOPARDY ASSESSMENT DETERMINATIONS; AMENDING SECTION 72-1361, IDAHO CODE, TO FURTHER DEFINE THE TYPES OF DETERMINATIONS THAT MAY BE APPEALED; AND AMENDING SECTION 72-1362, IDAHO CODE, TO CLARIFY THE NOTICE PROVISIONS AND APPEAL PROCEDURES FOR DETERMINATIONS OF SUCCESSOR LIABILITY.

HOUSE BILL NO. 398
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO THE REVISED UNIFORM ATHLETE AGENTS ACT; REPEALING CHAPTER 48, TITLE 54, IDAHO CODE, RELATING TO THE UNIFORM ATHLETE AGENTS ACT; AND AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 48, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE RULEMAKING AUTHORITY, TO PROVIDE CERTAIN AUTHORITY TO THE BUREAU OF OCCUPATIONAL LICENSES, TO REQUIRE REGISTRATION FOR ATHLETE AGENTS, TO PROVIDE CERTAIN EXCEPTIONS TO REGISTRATION, TO PROVIDE THAT A CONTRACT ENTERED INTO WITH AN UNREGISTERED INDIVIDUAL IS VOID, TO PROVIDE PROCEDURES AND REQUIREMENTS FOR APPLICATION AS AN ATHLETE AGENT, TO PROVIDE FOR THE ISSUANCE, DENIAL AND RENEWAL OF A CERTIFICATE OF REGISTRATION, TO PROVIDE FOR THE SUSPENSION, REVOCATION OR REFUSAL TO RENEW REGISTRATION, TO PROVIDE FOR TEMPORARY REGISTRATION, TO PROVIDE FOR REGISTRATION AND

RENEWAL FEES, TO PROVIDE FOR REQUIREMENTS OF AN AGENCY CONTRACT, TO PROVIDE FOR NOTICE TO AN EDUCATIONAL INSTITUTION IN CERTAIN INSTANCES, TO PROVIDE FOR A STUDENT ATHLETE'S RIGHT TO CANCEL AN AGENCY CONTRACT IN CERTAIN INSTANCES, TO REQUIRE AN ATHLETE AGENT TO CREATE AND RETAIN CERTAIN RECORDS, TO PROHIBIT CERTAIN CONDUCT FOR AN ATHLETE AGENT, TO PROVIDE A CRIMINAL PENALTY, TO PROVIDE A CIVIL REMEDY FOR AN EDUCATIONAL INSTITUTION OR STUDENT ATHLETE IN CERTAIN INSTANCES, TO PROVIDE A CIVIL PENALTY, TO PROVIDE FOR UNIFORMITY OF CONSTRUCTION, TO PROVIDE FOR RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT AND TO PROVIDE SEVERABILITY.

HOUSE BILL NO. 399
BY RUBEL
 AN ACT

RELATING TO ANIMAL CARE; AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE A TERM; AMENDING SECTION 25-3504, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING COMMITTING TORTURE TO COMPANION ANIMALS, TO ESTABLISH PROVISIONS REGARDING CERTAIN PERSONS COMMITTING VIOLATIONS OF SPECIFIED LAW AND TO PROVIDE THAT CERTAIN OFFICERS MAY TAKE POSSESSION OF COMPANION ANIMALS SUBJECTED TO TORTURE; AMENDING SECTION 25-3520A, IDAHO CODE, TO REVISE AND TO ESTABLISH PROVISIONS REGARDING PENALTIES FOR CERTAIN VIOLATIONS; AMENDING SECTION 20-511A, IDAHO CODE, TO PROVIDE FOR CERTAIN COURT ORDERS REGARDING JUVENILES EXHIBITING BEHAVIOR THAT PRESENTS RISK TO THE SAFETY OF CERTAIN ANIMALS AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING FOR SEVERABILITY.

[H 391](#), [H 392](#), [H 393](#), [H 394](#), [H 395](#), [H 396](#), [H 397](#), [H 398](#), and [H 399](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1201](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER
Second Reading of Bills and Joint Resolutions

[H 347](#), [H 352](#), [H 353](#), and [H 358](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 332](#), [H 333](#), [H 334](#), and [H 341](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 366](#), by Business Committee, was read the second time by title and filed for third reading.

[H 348](#) and [H 361](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[S 1199](#) and [S 1200](#), by Finance Committee, were read the second time by title and filed for third reading.

11TH ORDER

Third Reading of Bills and Joint Resolutions

[H 344](#) - PROPERTY TAX RELIEF

[H 344](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall [H 344](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche(Van Tassel), Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Boyle. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 344](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

15TH ORDER

Announcements

Announcements were made to the body.

16TH ORDER

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, January 29, 2016. Seconded by Mr. Erpelding. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:26 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk